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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,580	02/06/2002	Joseph J. DiBiase	29020/107A	8275
7590 06/04/2004				
MARSHALL, GERSTEIN & BORUN 6300 Sears Tower 233 South Wacker Drive Chicago, IL 60606-6357			EXAMINER KATCHEVES, BASIL S	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/068,580

Applicant(s)

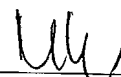
DIBIASE ET AL.

Examiner

Basil Katcheves

Art Unit

3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34, 36-47 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

Claims 1-5, 19-22, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,070,283 to Hahn.

Regarding claims 1, 4, 19, 20 and 34, Hahn discloses a loading dock system having an attached bumper (fig. 3: 20) comprised of an engaging member (fig. 3: at component 20 arrow) and a guide member (fig. 3: ahead of component 20 arrow) creating a generally "L" shaped form.

Regarding claims 2 and 21, Hahn discloses a guide member.

Regarding claims 3, 22 and 36, Hahn discloses an engagement member.

Regarding claim 5, Hahn discloses the guide member as being tapered.

### ***Claim Rejections - 35 USC § 103***

Claims 6-16, 23-33 and 37-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,070,283 to Hahn in view of U.S. Patent No. 5,586,355 to Metz et al.

Regarding claims 6-14, 23-31 and 37-45, Hahn does not disclose a sensor on the loading dock bumper. Metz discloses a sensor for mounting on the underside of a loading dock leveler (abstract) which may be mechanical, proximity, or photoelectric

Art Unit: 3635

(abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hahn by using the sensor disclosed by Metz on the bumper to warn of a collision.

Regarding claims 15, 16, 32, 33 and 46, Hahn in view of Metz does not disclose a light responsive to the sensor. However, when unloading during daylight, changes in the amount of light due to shadows are sufficiently present to operate the sensor.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,070,283 to Hahn in view of U.S. Patent No. 6,550,191 to Hoffman et al.

Regarding claims 17 and 18, Hahn does not disclose the guide member as having an anti friction member. Hoffman discloses a loading dock guide having a roller. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hahn by using a roller anti friction member in order to prevent wear on the guide and scuffing to the sides of the truck.

### ***Claim Objections***

Claim 35 is objected to as being dependent upon a rejected base claim as in the previous office action.

### ***Response to Arguments***

Applicant's arguments filed 3/8/04 have been fully considered but they are not persuasive. Applicant argues that Hahn does not disclose an engaging member and a guide member. However, the engaging member (as seen in fig. 3 and fig. 8 behind component 80) is a unit which engages the back side of a truck while the truck is backing to the dock. As part of a unit, it indirectly engages the truck. The guide member, (fig. 3: 20, fig. 8: 80), which has an inverted L shaped profile, acts as a guide to the truck because it limits the movement of the truck and brings the truck to its resting position adjacent to the dock. It guides the truck to a location spaced from the dock for proper loading/unloading. Applicant argues, regarding claim 20, that the prior art does not disclose a bumper having an L shape. However, Hahn discloses the bumper (fig. 8: 80) as having an inverted L profile. Claim 20 recites functional language, and Hahn meets the basic claim structure of the bumper. Regarding applicant's arguments for claims 21 and 22, Hahn discloses the first leg of the L (the upper leg) as extending farther than the second leg of the L which is parallel to the dock. Applicant argues, regarding claim 34, that the prior art does not disclose the limitations of the claim. However, the claim contains functional language and the prior art meets the basic claim structure of the bumper system as claimed. Applicant argues that the prior art of Hoffman does not disclose dock bumpers. However, Hoffman clearly shows a dock and a truck contact system between the dock and the truck, thereby disclosing a type of bumper system.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK



5/17/04



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600